

**S.R. 381** - By Brooks: Commending Charles Delgado for his contributions to the State.

**S.R. 382** - By Leedom: Extending welcome to Charles Russell, Honorary Page for the Day.

**S.R. 383** - By Leedom: Extending welcome to David Russell, Honorary Page for the Day.

**S.R. 386** - By Harris: Extending welcome to the Richardson Junior Girl Scout Troop #1873.

### ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:29 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

### APPENDIX

Signed by Governor  
(March 23, 1983)

**H.C.R. 101**  
**H.C.R. 94**

Signed by Governor  
(March 24, 1983)

**S.B. 589** (Effective immediately)

Sent to Governor  
(March 28, 1983)

**S.B. 94**  
**S.B. 131**  
**S.B. 182**  
**S.B. 259**

### FORTY-THIRD DAY (Tuesday, March 29, 1983)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Clarence Bassett, El Buen Pastor Presbyterian Church, Austin, offered the invocation as follows:

We thank Thee, O God, for Thy presence, for Thy gift of democracy, for leaders. Today we thank Thee for all who are here to see for themselves something of the way this Senate does its work. Guide each Senator, and each employee. Guide every other person involved in the complex, crucial

affairs of our State government. Deliver us all from pessimism, from cynicism, from selfishness, from careless indifference. Guide us all in the almost overwhelming crises of today. Show us how to help the helpless and the homeless. O God, how may the lawbreakers be changed and restored to the way of life Thou didst create them for? How can we overcome the menace and destructiveness of human weakness allied with the freedom and power of our science and inventions? HELP US, O GOD, for the sake of all the human family. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### MESSAGE FROM THE HOUSE

House Chamber  
March 29, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 46**, Relating to execution of a directive under the Natural Death Act.

**H.B. 291**, Relating to the purchase of handguns from the State by retiring State peace officers.

**H.B. 375**, Relating to the authority of the personal representative of a decedent to institute proceedings to determine heirship.

**S.B. 256**, Relating to probation for a child-care facility that does not comply with Department of Human Resources standards. (With amendment)

**S.B. 114**, Relating to the operations and continuation of the Office of State-Federal Relations. (With amendments)

**H.J.R. 29**, Proposing a constitutional amendment relating to the powers of State-chartered banks.

**H.J.R. 4**, Proposing a constitutional amendment relating to the State Commission on Judicial Conduct and the authority and procedure to discipline active judges, certain retired and former judges, and certain masters and magistrates of the courts.

**H.B. 972**, Relating to certain deadlines in the Texas Election Code affecting the status of candidates.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### CO-AUTHORS OF SENATE BILL 232

On motion of Senator Caperton and by unanimous consent, Senators Farabee, Doggett and Parmer will be shown as Co-authors of **S.B. 232**.

#### CO-AUTHORS OF SENATE BILL 287

On motion of Senator Traeger and by unanimous consent, Senators Glasgow, Vale, Harris, Sims and Parker will be shown as Co-authors of **S.B. 287**.

**CO-AUTHORS OF SENATE BILL 966**

On motion of Senator Whitmire and by unanimous consent, Senators Brooks and Traeger will be shown as Co-authors of S.B. 966.

**CO-AUTHOR OF SENATE BILL 1125**

On motion of Senator Parker and by unanimous consent, Senator Caperton will be shown as Co-author of S.B. 1125.

**SENATE BILLS AND RESOLUTION ON FIRST READING**

On motion of Senator Sarpalius and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.B. 1267** by Sarpalius Intergovernmental Relations  
Relating to establishment of a juvenile board in Bailey and Parmer counties.

**S.B. 1268** by Sarpalius Intergovernmental Relations  
Relating to establishment of a juvenile board for Castro, Hale, and Swisher counties.

**S.B. 1270** by Farabee Intergovernmental Relations  
Relating to the name and the powers and duties of the Greater Texoma Municipal Utility District.

**S.B. 1271** by Howard Intergovernmental Relations  
Relating to the temporary imposition of local sales and use taxes in certain cities for the financing of justice centers located on the state line.

**S.B. 1272** by Mauzy State Affairs  
Relating to the length of time for preserving sworn statements filed under the political funds reporting and disclosure law.

**S.B. 1273** by Montford Intergovernmental Relations  
Relating to the creation of municipal courts of record in the city of Odessa.

**S.B. 1274** by Jones Finance  
Relating to public school finance and the calculation of the effective tax rate of a school district.

**S.C.R. 57** by Mauzy State Affairs  
Directing the Department of Highways and Public Transportation and the Texas Sesquicentennial Commission to begin a study of a design for license plates which will best commemorate Texas' Sesquicentennial.

**REPORTS OF STANDING COMMITTEES**

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

**S.B. 579**  
**S.B. 861** (Amended)  
**C.S.S.B. 59** (Read first time)  
**C.S.S.B. 845** (Read first time)  
**C.S.S.B. 777** (Read first time)  
**C.S.S.B. 1130** (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

**S.B. 86**

S.B. 538  
S.B. 802  
S.B. 897  
S.B. 1080  
S.B. 1095  
S.J.R. 18  
S.B. 714 (Amended)  
S.B. 465 (Amended)  
C.S.S.B. 370 (Read first time)  
C.S.S.B. 843 (Read first time)  
C.S.S.B. 740 (Read first time)  
C.S.S.J.R. 22 (Read first time)  
C.S.S.B. 232 (Read first time)

Senator Howard submitted the following report for the Subcommittee on Nominations:

We, your Subcommittee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be a Member of the STATE HIGHWAY AND PUBLIC TRANSPORTATION COMMISSION: Robert C. Lanier, Harris County.

To be Members of the BOARD OF REGENTS, LAMAR UNIVERSITY: Merlin Breaux, Hardin County; George A. Dishman, Jr., Jefferson County; Hubert Oxford III, Jefferson County.

To be Members of the BOARD OF REGENTS, PAN AMERICAN UNIVERSITY: Eddie Robert Cano, Hidalgo County; Kenton E. Schaefer, Cameron County; Melvin J. Hill, Harris County.

To be Members of the BOARD OF REGENTS, WEST TEXAS STATE UNIVERSITY: Tom Christian, Armstrong County; Jerome Robert Walsh, Jr., Hutchinson County.

To be Members of the TEXAS AERONAUTICS COMMISSION: Maxey R. Grossenbacher, Cameron County; Warren C. Harmon, Brazos County.

To be Members of the BOARD OF TRUSTEES, TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM: Jack E. Benson, Tarrant County; Joan Hanson Cason, Nacogdoches County; David Chappell, Nueces County; Joe Flack, Harris County; Judge Winston Charles Reagan, Henderson County.

To be FIREMEN'S PENSION COMMISSIONER: Hal H. Hood, Travis County.

To be Members of the TEXAS ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS: Van Henry Archer, Jr., Bexar County; Dr. Marion Eli Douglass, Dallas County; Fred N. Pfeiffer, Bexar County; Victor Rodriguez, Bexar County.

To be JUDGE OF THE 296th JUDICIAL DISTRICT: Judge Verla Sue Holland, Collin County.

To be Members of the STATE COMMISSION ON JUDICIAL CONDUCT (Appointed by the Supreme Court of Texas): Judge John T. Boyd, Potter County; Judge James W. Dinkins, Montgomery County; Judge Harry W. Hopkins, Parker County; Judge William E. Junell, Harris County; Judge Raul L. Longoria, Hidalgo County.

(Appointed by the Governor): Nathan Irving Reiter, Jr., Bowie County; Robert David Rogers, Dallas County.

To be a Member of the TEXAS JUVENILE PROBATION COMMISSION: Jerrell Stokes Reed, Jr., Wood County.

To be Members of the TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY: Frederick J. Bonte, M.D., Dallas County; Albert Gonzalez, Dallas County; Frank Anthony Perrone, Harris County; Jim R. Phillips, El Paso County; John E. Simek, Brazos County.

To be Members of the METRIC SYSTEM ADVISORY COUNCIL: Carolyn R. Bacon, Dallas County; Mrs. Joan Burba, Young County; Jesse M. DeWare IV, Marion County; Raquel Gonzalez, Webb County; Alice Kidd, Ph.D., Travis County; Michael J. Kiszkiel, Harris County; William Franklin Nicol, Dallas County; Guadalupe Quintanilla, Harris County; Mrs. Dorothy Toothaker, Hidalgo County.

To be Members of the TEXAS MOTOR VEHICLE COMMISSION: Thomas Melvin Demarest, Jr., Tarrant County; Mrs. Selma Alice Hermann, Brazoria County; Robert Hoy, El Paso County.

To be a Member of the OCCUPATIONAL SAFETY BOARD: Howard L. Kusnetz, Harris County.

To be a Member of the STATE BOARD OF PHARMACY: Mrs. Virginia Marie Bauman, Dallas County.

To be a Member of the PUBLIC UTILITY COMMISSION OF TEXAS: General Tommie Gene Smith, Bexar County.

To be Members of the STRUCTURAL PEST CONTROL BOARD: Maxine R. Goodman, Caldwell County; Tommy L. Brown, Tarrant County.

To be a Member of the TEXAS ENERGY AND NATURAL RESOURCES ADVISORY COUNCIL: James E. Russell, Taylor County.

To be a Member of the TEXAS INDIAN COMMISSION: Wilber Edison Fifer, Jr., El Paso County.

To be Members of the TEXAS TOURIST DEVELOPMENT BOARD: Mrs. Margaret M. Martin, Hill County; Mrs. Virginia McMillin Eggers, Dallas County; Pete Schenkel, Dallas County.

To be JUDGE OF THE 328th JUDICIAL DISTRICT: Judge Thomas O'Dell Stansbury, Fort Bend County.

#### SENATE CONCURRENT RESOLUTION 54

Senator Brown offered the following resolution:

WHEREAS, In 1821, a pioneer blockhouse was erected at a site named "Fort Bend", and became the nucleus of Stephen F. Austin's Old Three Hundred; and

WHEREAS, Fort Bend marks the historical site where Antonio Lopez de Santa Anna transported the Mexican Army across the Brazos River on the way to the Battle of San Jacinto; and

WHEREAS, The county created around this pioneer blockhouse was named after it; Fort Bend County was organized in 1838, and Richmond was named as the county seat; and

WHEREAS, The early prominent settlers—Gail Borden, Jr., William K. Davis, and Mirabeau B. Lamar—made outstanding contributions to the great State of Texas; Their names are included in Texas history books; and

WHEREAS, The county is rich in natural resources, including gas, oil, and sulphur; and

WHEREAS, Ranching and the farming of rice, cotton, and corn allow Fort Bend to further contribute to the prosperity of the State of Texas; and

WHEREAS, The citizens of this fine county deserve recognition and honor for the many contributions they make to our State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, with the House of Representatives concurring, honor the fine people of Fort Bend County; and, be it further

RESOLVED, That March 29, 1983, be designated Fort Bend County Day, and the members of the Texas Legislature join the good people of Fort Bend County at the Fiesta Gardens, at 6:30 p.m. on that day, for an evening of good food, merry polka dancing, laughter, and fun.

BROWN  
HENDERSON  
SHARP

The resolution was read.

On motion of Senator Brown and by unanimous consent, the resolution was considered immediately and was adopted.

#### SENATE RESOLUTION 389

Senator Parker offered the following resolution:

WHEREAS, The Capitol Security Police fulfill an important role in the protection and security of citizens and property on the Capitol grounds; these men actively serve visitors to the Capitol, the Texas Legislature, and their employees; and

WHEREAS, The Capitol Security Police are dedicated, responsible professionals who receive little recognition for the tremendous task of securing the Capitol grounds; and

WHEREAS, The actions of Mr. Charles Fisher, Mr. Luke Maughan, and Mr. Frank Eidelbach are truly exemplary for on the night of February 18, 1983, these three honorable men thwarted an attempt to steal the hubcaps of a 1966 Ford Mustang owned by Senator Carl A. Parker; the attentiveness, rapid execution, and promptness with which these men responded to the incident tributes the Capitol Police and the character of these fine men; and

WHEREAS, Although the episode was a relatively minor one, it is but one example of many of the duties performed by our Capitol Police to ensure the safety and well-being of all honest citizens on the Capitol grounds; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 68th Legislature, commend the Capitol Security Police and Officers Charles Fisher, Luke Maughan, and Frank Eidelbach on the effective and professional manner in which the execution of their duties was performed; and, be it further

RESOLVED, That copies of this Resolution be prepared for Officers Fisher, Maughan, and Eidelbach as a token of respect and appreciation from the Texas Senate.

The resolution was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Traeger and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Intergovernmental Relations might consider **S.B. 1270** at 3:00 o'clock p.m. today.

**GUEST PRESENTED**

The President presented Congressman Jack Fields, representing the 8th Congressional District, guest of Senator Henderson.

Congressman Fields was welcomed by the Senate.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas  
March 28, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE BRAZOS RIVER AUTHORITY BOARD OF DIRECTORS:

For a term to expire February 1, 1989:

**PAUL H. HARVEY, JR.**

101 Elmore

Hillsboro, Texas 76645

(Mr. Harvey is replacing Mr. J. C. Chatmas, Jr., of Marlin, Falls County, Texas, whose term expired.)

Respectfully submitted,

/s/Mark White  
Governor of Texas

**NOTICE OF CONSIDERATION OF EXECUTIVE NOMINATIONS**

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration Executive nominations to agencies, boards and commissions of the State.

**SENATE BILL 244 ON THIRD READING**

Senator Washington asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**S.B. 244**, Relating to the mandatory use of interest earned on certain client funds held by attorneys to provide legal services to the indigent in civil matters.

There was objection.

Senator Washington then moved to suspend the regular order of business and take up **S.B. 244** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Brooks, Caperton, Doggett, Edwards, Farabee, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Brown, Glasgow, Harris, Henderson, Howard, Jones, Leedom, Sarpalius.

The bill was read third time and was finally passed by the following vote: Yeas 22, Nays 9. (Same as previous roll call)

#### **SENATE BILL 283 ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 283**, Relating to the classification of criminal mischief offenses on the basis of the value of the property damaged or destroyed and the classification of theft offenses on the basis of the value of the property or service stolen.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 283 ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 283** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

#### **RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 129  
H.C.R. 128  
H.C.R. 125  
H.C.R. 96  
H.C.R. 55

#### **SENATE BILL 1113 REREFERRED**

On motion of Senator Sharp and by unanimous consent, **S.B. 1113** was withdrawn from the Committee on Natural Resources and rereferred to the Committee on Intergovernmental Relations.

#### **SENATE BILL 987 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 987**, Relating to the filing of estimated insurance gross premium taxes.

The bill was read second time.

Senator Glasgow offered the following committee amendment to the bill:

Amend **S.B. 987** by deleting lines 9 through 14 on page 1, lines 3 through 8 on page 2, and lines 1 through 6 on page 5 and substituting in lieu thereof the following:

(b) A quarterly prepayment of premium tax must be made on March 1st, May 15th, August 15th, and November 15th by all insurers with net tax liability for the



previous calendar year in excess of \$1,000. The tax paid on each date must equal one-fourth of the total premium tax paid for the previous calendar year. Should no premium tax have been paid during the previous calendar year, the quarterly payment shall equal the tax which would be owed on the gross premium receipts during the previous calendar quarter ending March 31st, June 30th, September 30th or December 31st at the minimum tax rate specified by law. The State Board of Insurance is authorized to certify for refund to the State Treasurer any overpayment of premium taxes that results from the quarterly prepayment system herein established.

(c) The State Board of Insurance may establish such rules, regulations, minimum standards, or limitations which are fair and reasonable as may be appropriate for the augmentation and implementation of this Article.

The committee amendment was read and was adopted.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### SENATE BILL 987 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 987 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

(President Pro Tempore Jones in Chair)

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### SENATE BILL 97 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 97, Relating to the qualifications of the presiding judge of the First Administrative Judicial District and to the qualifications of district judges assigned by the presiding judge of that administrative judicial district.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up S.B. 97 for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Kothmann, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Brown, Harris, Henderson, Howard, Jones, Leedom, McFarland, Sarpalius, Sims.

The bill was read second time and was passed to engrossment.

#### RECORD OF VOTES

Senators Harris and Leedom asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 357 ON SECOND READING**

Senator Sarpalius asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 357**, Relating to annexation of county territory by certain junior college districts.

There was objection.

Senator Sarpalius then moved to suspend the regular order of business and take up **C.S.S.B. 357** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Jones, Mauzy.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 357 ON THIRD READING**

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 357** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Jones, Mauzy, Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Jones, Mauzy.

**COMMITTEE SUBSTITUTE SENATE BILL 147 ON SECOND READING**

On motion of Senator Blake and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 147**, Relating to care of the State Capitol and its grounds.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTE**

Senator Henderson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 147 ON THIRD READING**

Senator Blake moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 147 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Henderson, Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Henderson.

**SENATE BILL 995 ON SECOND READING**

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 995**, Relating to the open meetings and open records requirements applicable to governmental bodies; providing penalties.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend **S.B. 995** by adding a new SECTION 2 and renumbering the remaining sections.

**SECTION 2.** Subsections (a) and (f), Sec. 2, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended, (Article 6252-17, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Except as otherwise provided in this Act or specifically permitted in the Constitution, every regular, special, or called meeting or session of every governmental body shall be open to the public; and no closed or executive meeting or session of any governmental body for any of the purposes for which closed or executive meetings or sessions are hereinafter authorized shall be held unless a quorum of the governmental body has first been convened in open meeting or session for which notice has been given as hereinafter provided and during which open meeting or session the presiding officer has publicly announced that a closed or executive meeting or session will be held and identified the section or sections under this Act authorizing the holding of such closed or executive session.

(f) The public may be excluded from that portion of a meeting during which a discussion is had with respect to the purchase, exchange, lease, or value of real property, negotiated contracts for prospective gifts or donations to the state or the governmental body, [when] after the governmental body has determined in public session that such discussion would have a detrimental effect on the negotiating position of the governmental body as between such body and a third person, firm or corporation.

The amendment was read and was adopted.

Senator McFarland offered the following amendment to the bill:

Amend Section 3, **S.B. 995**, by adding the following at the end of quoted Sec. 3B, (page 2, line 17) after the word “body:”

“The minutes of closed or executive sessions shall be made available for public inspection and copying only upon court order in an action brought under this act.”

The amendment was read and was adopted.

Senator McFarland offered the following amendment to the bill:

Amend Section 3, **S.B. 995**, by striking Subsection (b) of quoted Sec. 3 on page 2, and substituting the following:

“(b) In an action brought under this section, a court may assess costs of litigation and reasonable attorney’s fees incurred by a plaintiff or defendant who substantially prevails. In exercising its discretion, the court shall consider whether the conduct of the governmental body had a reasonable basis in law and whether the litigation was brought in good faith.”

The amendment was read and was adopted.

Senator Brown offered the following amendment to the bill:

Amend Section 2, **S.B. 995**, quoted Sec. 2A, Subsec. (f), by substituting a comma in lieu of a period after the word “offense” on line 60, page 1, and adding the following:

“and shall be liable to any person injured or damaged thereby for:

(i) actual damages including but not limited to lost wages, damages due to defamation of character, or mental or other emotional distress or other personal injury or damages;

(ii) costs of court;

(iii) reasonable attorneys fees; and

(iv) exemplary or punitive damages in the discretion of the trier of fact.”

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **SENATE BILL 995 ON THIRD READING**

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 995** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 116 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 116**, Relating to death benefits from the Employees Retirement System of Texas based on service as a law enforcement or custodial officer.

The bill was read second time and was passed to engrossment.

**SENATE BILL 116 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 116** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 444 ON SECOND READING**

Senator Traeger asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 444**, Relating to the raising of funds for the law enforcement and Custodial Officer Supplemental Retirement Fund.

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up **S.B. 444** for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Mauzy.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 444 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 444** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Mauzy, Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Mauzy.

**COMMITTEE SUBSTITUTE SENATE BILL 544 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 544**, Relating to the deposit of certain money to the credit of the general revenue fund and to refunds of money received or collected by a state agency or department by reason of a mistake of fact or law.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 544 ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 544** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 565 ON SECOND READING**

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 565**, Relating to the certification of court reporters and persons who engage in the practice of shorthand reporting in courts of this state.

The bill was read second time.

Senator Washington offered the following committee amendment to the bill:

Amend page 8, line 16 of **S.B. 565** by changing the added word "board" to "certified shorthand reporter against whom the complaint was filed".

The committee amendment was read and was adopted.

Senator Washington offered the following amendment to the bill:

Amend **S.B. 565** by amending Section 2 to read as follows:

**SECTION 2.** Section 4, Chapter 438, Acts of the 65th Legislature, Regular Session, 1977 (Article 2324b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4. (a) There is hereby created the [~~Texas~~] Court Reporters Certification Board [~~Committee~~] to consist of the following 12 [~~nine~~] members appointed by the supreme court:

(1) one active district judge who shall serve as the [~~committee's~~] chairman of the board;

(2) two active members of the State Bar who have been practicing members of the bar during more than five consecutive years next preceding their appointment; [~~and~~]

(3) three active official court reporters and three active freelance certified shorthand [~~court~~] reporters who have been engaged in the practice of shorthand reporting for use in litigation in the courts of this state during more than five consecutive years next preceding their appointment; and[-]

(4) three citizens of this state who are not, and whose spouses are not, judges, licensed to practice law in this state, shorthand reporters, elected public officials, or full-time governmental employees.

(b) Appointments to the board shall be made with due regard for the race, creed, sex, religion, and national origin of the appointees and geographical distribution of the members of the board. A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), or a person who is an owner, officer, or employee of a school or institution engaged in instructing persons in court reporting skills, may not serve as a member of the board or act as the general counsel to the board.

(c) A reference to the "committee" or "committee members" in this Act means "board" or "board members."

Amend S.B. 565 by amending Section 11 to read as follows:

SECTION 11. The supreme court shall appoint one citizen member to the Court Reporters Certification Board as required by Section 4, Chapter 438, Acts of the 65th Legislature, Regular Session, 1977 (Article 2324b, Vernon's Texas Civil Statutes), for a term that expires December 31, 1984, one citizen member for a term that expires December 31, 1986, and one citizen member for a term that expires December 31, 1988.

The amendment was read and was adopted.

Senator Washington offered the following amendment to the bill:

Amend S.B. 565 by adding a new subsection (5) under Section 4 to read as follows:

(5) Appointments to the Court Reporters Certification Board shall be made with due regard to the race, creed, sex, religion, national origin and geographical distribution of the appointees.

The amendment was read and was adopted.

Senator Jones offered the following amendment to the bill:

Amend S.B. 565 by striking lines 56-60 on page 1 of the printed bill and substituting the following in lieu thereof:

(b) A person who is required to register as a lobbyist under Chapter 22, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the Board may not serve as a member of the Board or act as the general counsel to the Board.

The amendment was read and was adopted.

On motion of Senator Washington and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### SENATE BILL 123 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 123, Relating to an exemption from sales and use taxes for certain equipment used by the visually handicapped.

The bill was read second time and was passed to engrossment.

**VOTE ON ENGROSSMENT OF  
SENATE BILL 123 RECONSIDERED**

On motion of Senator Leedom and by unanimous consent, the vote by which **S.B. 123** was passed to engrossment.

Question—Shall **S.B. 123** be passed to engrossment?

Senator Leedom offered the following committee amendment to the bill:

Amend **S.B. 123**, as introduced, by substituting on Page 2, Lines 5-11, the following language:

(8) a braille wristwatch, braille writer and braille paper and braille electronic equipment that connects to computer equipment; and

(9) each of the following items if purchased for use by the blind to enable them to function more independently: a slate and stylus, print enlarger, magnifier, white cane, talking clock, large print terminal, talking terminal, or harness for guide dog.

The committee amendment was read and was adopted.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was again passed to engrossment.

**SENATE BILL 123 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 123** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

**SENATE BILL 641 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 641**, Relating to the formation and administration of municipally created reinvestment zones that qualify for tax increment financing.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTE**

Senator Washington asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

**SENATE BILL 641 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 641** be placed on its third reading and final passage.

(President in Chair)



The motion prevailed by the following vote: Yeas 30, Present-not voting 1.

Present-not voting: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Present-not voting 1. (Same as previous roll call)

#### SENATE BILL 417 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 417**, Relating to the registration of alarm systems installers and private security officers.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend **S.B. 417** by deleting SECTION 1 in its entirety and substituting in lieu thereof the following:

SECTION 1. Section 2, Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by amending Subdivisions (21) and (22) and by adding Subdivision (27) to read as follows:

"(21) 'Registration' means a permit granted by the board to an individual to perform the duties of a private investigator, manager, [or] branch office manager, alarm systems installer, or noncommissioned private security officer.

"(22) 'Registrant' means an individual who has filed an application with the board to perform the duties of a private investigator, manager, [or] branch office manager, alarm systems installer, or noncommissioned private security officer."

"(27) 'Alarm systems installer' means a person who installs or services burglar alarm signal devices, burglar alarms, television cameras, still cameras, or any other electrical, mechanical, or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage, and other losses of that type."

The amendment was read and was adopted.

Senator Brown offered the following amendment to the bill:

Amend **S.B. 417**, on page 1, line 67, by striking the number "14" and substituting in lieu thereof the number "10".

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### SENATE BILL 417 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 417** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

**SENATE BILL 617 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 617**, Relating to regulation of compressed natural gas by the Railroad Commission of Texas; providing penalties.

The bill was read second time and was passed to engrossment.

**SENATE BILL 617 ON THIRD READING**

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 617** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

**SENATE BILL 609 ON SECOND READING**

Senator Vale asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 609**, Relating to annexation of county territory by certain junior college districts; adding Section 130.072 to Subchapter D, Chapter 130, Texas Education Code.

There was objection.

Senator Vale then moved to suspend the regular order of business and take up **S.B. 609** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Howard, Jones.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTES**

Senators Howard and Jones asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 609 ON THIRD READING**

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 609** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Howard, Jones, Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Howard, Jones.

#### **SENATE BILL 371 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 371**, Relating to medical care subsidies for certain adopted children.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 371 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 371** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 542 ON SECOND READING**

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 542**, Relating to a defense to prosecution for criminal trespass.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **C.S.S.B. 542** for consideration at this time.

The motion was lost by the following vote: Yeas 18, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Brooks, Caperton, Doggett, Edwards, Kothmann, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Traeger, Truan, Vale, Washington, Whitmire, Williams.

Nays: Blake, Brown, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Leedom, McFarland, Sarpalius, Sims.

Absent: Uribe.

#### **SENATE RESOLUTION 380**

Senator Brown offered the following resolution:

WHEREAS, The entire Senate of the State of Texas wishes to honor Senator Roy Blake today, March 29, 1983, on the occasion of his 55th birthday; and

WHEREAS, One of our most conscientious and effective legislators, Senator Blake has cogently championed the cause of Texas's cities, counties, and school districts; in recognition of his yeoman service on behalf of Texas cities, Senator Blake was named "Legislator of the Year-Texas Senate" by the Texas Municipal League in 1981; and

WHEREAS, Senator Blake has brought his considerable managerial talents to the Texas Senate, and as chairman of the Administration Committee these talents have helped produce an extremely efficient and smooth-functioning operation; and

WHEREAS, Senator Blake and his charming wife, Mae Deanne (Tootie), are proud of the achievements of their five outstanding children: Martha, Roy, Jr., Kaki, Ben, and Mary Ann; and

WHEREAS, A man of utmost probity and integrity, Senator Blake has lent an aura of dignity and honor to the Capitol corridors; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 68th Legislature, hereby extend sincere birthday greetings to one of the Senate's most respected and well-liked Members, Roy Blake of Nacogdoches; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for Senator Roy Blake as an expression of warm amity and best wishes from his fellow solons.

The resolution was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

#### WELCOME AND CONGRATULATORY RESOLUTIONS

**S.R. 390** - By Kothmann: Recognizing Thursday, April 7, 1983, as Senior Citizens Day in Austin.

**S.R. 391** - By Doggett: Extending welcome to Matthew Thomas, Honorary Page for the Day.

**S.R. 392** - By Kothmann: Extending welcome to Ruben Hernandez, Honorary Page for the Day.

**S.R. 393** - By Vale: Extending welcome to Joanna Nelson, Honorary Page for the Day.

**S.R. 394** - By Williams: Extending congratulations to Dr. Thomas M. Spencer on his retirement.

#### ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:36 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### APPENDIX

Signed by Governor  
(March 28, 1983)

**S.B. 95** (Effective August 29, 1983)

**S.B. 345** (Effective immediately)